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14 UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 SPACE DATA CORPORATION,

18 Plaintiff,

19 v.

20 X, ALPHABET INC., and GOOGLE INC.,

21 Defendants.

Case No. 5:16-cv-03260-BLF

**STIPULATION AND [PROPOSED]  
ORDER REGARDING CASE SCHEDULE  
AS MODIFIED BY THE COURT**

Judge: Hon. Beth Labson Freeman

Trial Date: June 3, 2019

Courtroom: 3, Fifth Floor

1 Pursuant to Civil Local Rule 7-12 and ECF 67, ¶3 (Case Management Order),  
2 Plaintiff Space Data Corp. (“Plaintiff” or “Space Data”), and defendants Alphabet Inc. and  
3 Google Inc. (collectively “Defendants” or “Google”), hereby stipulate through their  
4 respective counsel of record as follows:

5 WHEREAS, on February 16, 2017 the Court granted Defendants’ motion to dismiss  
6 claims II, III and IV of Plaintiff’s First Amended Complaint with leave to file an amended  
7 complaint by March 20, 2017, *see* ECF 59;

8 WHEREAS, on February 21, 2017 the Court issued a Case Management Order  
9 setting certain dates, including, but not limited to a Status Report regarding issuance of  
10 pending patents due date of May 17, 2017, a Claims Construction Hearing Date of July 28,  
11 2017, and a Last Day to Hear Dispositive Motions date of January 10, 2019, *see* ECF 67;

12 WHEREAS, the February 21, 2017 Case Management Order ordered the parties to  
13 meet and confer and submit a stipulation and order setting all deadlines not set by the  
14 February 21, 2017 Case Management Order, *see* ECF 67;

15 WHEREAS, on March 9, 2017 the Court granted Plaintiff’s Notice of Substitution of  
16 Counsel, *see* ECF 70;

17 WHEREAS, pursuant to the Court’s February 21, 2017 Case Management Order the  
18 parties have met and conferred on dates not set by the February 21, 2017 Case Management  
19 Order;

20 WHEREAS, in light of Plaintiff’s current counsel’s very recent appearance in the  
21 case, Plaintiff requested that the parties also meet and confer on modifying the case schedule  
22 generally, including the dates set by the Court for Space Data to file its Second Amended  
23 Complaint and for the Claims Tutorial Hearing and the Claims Construction Hearing;

1 WHEREAS, the parties have agreed to the case schedule set forth in Exhibit A  
 2 (attached hereto); and

3 WHEREAS, the parties' proposed schedule does not change the date trial is set to  
 4 commence or the date for the Final Pretrial Conference.

5 WHEREFORE IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES,  
 6 subject to the approval of the Court, that the schedule set forth in Exhibit A (attached hereto)  
 7 will apply to this case. Where there are separate proposals for an event date in Exhibit A, the  
 8 parties have not been able to reach agreement and request that the Court choose an  
 9 appropriate date for such event.  
 10

11  
 12 Dated: March 14, 2017

HOSIE RICE LLP

13  
 14 /s/ Lyndsey C. Heaton

LYNDSEY C. HEATON

15 Attorneys for Plaintiff

16 SPACE DATA CORPORATION.

17  
 18 Dated: March 14, 2017

KEKER, VAN NEST & PETERS LLP

19  
 20 /s/ Matthew M. Werdegarr

MATTHEW M. WERDEGAR

21 Attorneys for Defendants

22 ALPHABET INC. AND GOOGLE INC.  
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**ATTESTATION**

I hereby attest pursuant to Civil Local Rule 5-1(i)(3) that concurrence in the electronic filing of this document has been obtained from the other signatories.


Dated: March 14, 2017,

/s/ Lyndsey C. Heaton  
LYNDSEY C. HEATON

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION AND AS MODIFIED BY THE COURT BELOW, IT IS SO ORDERED.**

DATED this 20 day of March, 2017.

  
HON. BETH LABSON FREEMAN  
UNITED STATES DISTRICT JUDGE

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**EXHIBIT A**Case Schedule, *Space Data Corp. v. Google, et al.*, 16-cv-03260-BLF

Event	Current date/ deadline	Modified Date/Deadline
Initial disclosures per Rule 26	N/A	3/30/17
Initial infringement contentions/ document production per Patent Local Rule ("PLR") 3-1 & 3-2	N/A	4/14/2017
Deadline for Space Data to file Second Amended Complaint ("SAC")	3/20/2017 (Dkt. 59)	4/20/2017
Last day to amend pleadings or add parties and final deadline for Space Data to add patents	4/24/17 (Dkt. 67)	4/24/17
Motion to dismiss or other response to SAC	N/A	5/11/17
Status report re pending patents due	5/17/17 (Dkt. 67)	5/17/17
Opposition to motion to dismiss SAC	N/A	5/25/2017
Reply in support of motion to dismiss SAC	N/A	6/1/17
Initial invalidity contentions/document production per PLR 3-3 & 3-4	N/A	6/12/17
Hearing on motion to dismiss SAC	N/A	The parties must reserve a hearing date in accordance with the Court's standing order.
Exchange of proposed claims terms per PLR 4-1	N/A	6/26/17
Space Data initial election of asserted claims (no more than 10 per patent)	N/A	7/12/17
Exchange of preliminary claim constructions and extrinsic evidence per PLR 4-2	N/A	7/17/17
Google initial election of asserted prior art (no more than 12 references per patent)	N/A	7/26/17
Damages contentions per PLR 3-8	N/A	8/1/17
File joint claim construction and prehearing statement per PLR 4-3	N/A	8/11/17
Responsive damage contentions per PLR 3-9	N/A	8/31/17
Close of claim construction discovery period per PLR 4-4	N/A	9/19/17

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Event	Current date/ deadline	Modified Date/Deadline
Space Data files opening claim construction brief per PLR 4-5(a)	N/A	9/25/17
Google files responsive claim construction brief per PLR 4-5(b)	N/A	10/11/17
Space Data files reply claim construction brief per PLR 4-5(c)	N/A	10/20/17
Claims Construction Tutorial	7/17/17, 9:00 a.m. (Dkt. 67)	3/9/18, 9:00 a.m.
<i>Markman</i> Hearing	7/28/17, 9:00 a.m. (Dkt. 67)	3/16/18, 9:00 a.m.
Space Data final election of asserted claims (no more than 5 per patent)	N/A	No later than 28 days after <i>Markman</i> ruling
Google final election of asserted prior art (no more than 6 references per patent)	N/A	No later than 14 days after service of Space Data final election of asserted claims
Close of fact discovery	2/16/18 (Dkt. 45)	3/16/18
Disclosure of experts/opening expert reports (party with burden)	4/13/18 (Dkt. 45)	4/27/18
Disclosure of rebuttal experts/rebuttal expert reports	6/16/18 (Dkt. 45)	6/29/18
Close of expert discovery	7/27/18 (Dkt. 45)	8/10/18
Deadline for filing dispositive and Daubert motions	10/26/18 (Dkt. 45)	10/19/18
Deadline for filing responses to dispositive and Daubert motions	11/16/18 (Dkt. 45)	11/16/18
Deadline to file reply briefs re dispositive and Daubert motions	12/14/18 (Dkt. 67)	12/12/18
Hearing re dispositive and Daubert motions	1/10/19, 9:00 a.m. (Dkt. 67)	1/10/19, 9:00 a.m.
Deadline to meet and confer before pre-trial conference	4/11/19 (Dkt. 45)	4/11/19
Joint pretrial statement	4/18/19 (14-days prior to pretrial conference per Standing Order)	4/18/19
Deadline to file motions <i>in limine</i> and	4/18/19 (Dkt. 45)	4/18/19

Event	Current date/ deadline	Modified Date/Deadline
objections to evidence		
Deadline to file responses to motions <i>in limine</i> and objections to evidence	4/25/19 (Dkt. 45)	4/25/19
Pre-trial conference	5/2/19, 1:30 p.m. (Dkt. 41)	5/2/19, 1:30 p.m.
TRIAL	6/3/19, 9:00 a.m. (Dkt. 41)	6/3/19, 9:00 a.m.

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